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6 Attorneys for Defendants  
7 Uber Technologies, Inc.; Rasier, LLC; and  
Rasier-CA, LLC

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11 L.A. Taxi Cooperative, Inc. dba Yellow Cab ) Case No. 3:15-cv-01257-JST  
Co.; Administrative Services SD, LLC dba )  
12 Yellow Radio Service; All Yellow Taxi, Inc. ) **STIPULATION TO AMEND ANSWER**  
dba Metro Cab; American Cab, LLC; )  
13 American Cab, LLC dba Pomona Valley )  
Yellow Cab; Bell Cab Company, Inc.; TM- )  
14 MTM, Inc.; Big Dog City Corporation dba )  
Citywide Dispatch, Citywide Taxi, and Big )  
15 Dog Cab; Cabco Yellow, Inc. dba California )  
Yellow Cab; C&J Leasing, Inc. dba Royal )  
16 Taxi; G&S Transit Management, Inc.; Gorgee )  
Enterprises, Inc.; LA City Cab, LLC; Long )  
17 Beach Yellow Cab Co-operative, Inc.; )  
Network Paratransit Systems, Inc.; South Bay )  
18 Co-operative, Inc. dba United Checker Cab; )  
Taxi Leasing, Inc. dba Yellow Cab of Ventura )  
19 County; Tri-City Transportation Systems, Inc.; )  
Tri Counties Transit Corporation dba Blue )  
20 Dolphin Cab of Santa Barbara, Yellow Cab of )  
Santa Maria, and Yellow Cab of San Luis )  
21 Obispo; and Yellow Cab of South Bay Co- )  
operative, Inc. dba South Bay Yellow Cab, )  
22 Plaintiffs, )  
23 vs. )  
24 Uber Technologies, Inc.; Rasier, LLC; and )  
25 Rasier-CA, LLC, )  
26 Defendants. )

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1       Plaintiffs L.A. Taxi Cooperative, Inc. dba Yellow Cab Co.; Administrative Services SD,  
 2 LLC dba Yellow Radio Service; All Yellow Taxi, Inc. dba Metro Cab; American Cab, LLC;  
 3 American Cab, LLC dba Pomona Valley Yellow Cab; Bell Cab Company, Inc.; TM-MTM, Inc.;  
 4 Big Dog City Corporation dba Citywide Dispatch, Citywide Taxi, and Big Dog Cab; Cabco  
 5 Yellow, Inc. dba California Yellow Cab; C&J Leasing, Inc. dba Royal Taxi; G&S Transit  
 6 Management, Inc.; Gorgee Enterprises, Inc.; LA City Cab, LLC; Long Beach Yellow Cab Co-  
 7 operative, Inc.; Network Paratransit Systems, Inc.; South Bay Co-operative, Inc. dba United  
 8 Checker Cab; Taxi Leasing, Inc. dba Yellow Cab of Ventura County; Tri-City Transportation  
 9 Systems, Inc.; Tri Counties Transit Corporation dba Blue Dolphin Cab of Santa Barbara, Yellow  
 10 Cab of Santa Maria, and Yellow Cab of San Luis Obispo; and Yellow Cab of South Bay Co-  
 11 operative, Inc. dba South Bay Yellow Cab (collectively, "Plaintiffs") and Defendants Uber  
 12 Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC ("Defendants"), by and through their  
 13 undersigned counsel, hereby jointly request, pursuant to Civil Local Rule 7-12 and Federal Rule of  
 14 Civil Procedure 15(a)(2), for an order allowing Defendants to amend their answer to remove their  
 15 third, sixth, seventh, eighth, tenth, and eleventh affirmative defenses. The parties stipulate as  
 16 follows:

17       WHEREAS, on August 3, 2015, Plaintiffs filed their Amended Complaint against  
 18 Defendants (Dkt. 50).

19       WHEREAS, on August 24, 2015, Defendants filed their Answer to Plaintiffs' First  
 20 Amended Complaint (Dkt. 52).

21       WHEREAS, on September 8, 2015 Plaintiffs wrote a letter to Defendants regarding certain  
 22 alleged deficiencies in Defendants' Answer that, according to Plaintiffs, would be the appropriate  
 23 subject of a motion to strike under Rule 12(f) of the Federal Rules of Civil Procedure.

24       WHEREAS, on September 9, 2015 the parties filed a joint stipulation to extend Plaintiffs'  
 25 deadline to move strike Defendants' Answer so that the parties could meet and confer regarding  
 26 Plaintiffs' letter (Dkt. 59).

27       WHEREAS, on September 14, 2015 the Court granted this stipulation (Dkt. 60).

28       WHEREAS, the parties have now met and conferred and have agreed that Plaintiffs will

1 not file a motion to strike provided that Defendants amend their Answer to remove the following  
2 affirmative defenses: Affirmative Defense #3 (“Laches”), Affirmative Defense #6 (“Estoppe”),  
3 Affirmative Defense #7 (“Unclean Hands”), Affirmative Defense #8 (“Waiver”), Affirmative  
4 Defense #10 (“Collateral Estoppel and Res Judicata”), and Affirmative Defense #11 (“Failure to  
5 Mitigate”).

6 WHEREAS, Defendants’ agreement to remove these defenses shall not in any way be  
7 construed as an admission that they are improperly plead.

8 WHEREAS, Defendants reserve all rights to raise these defenses in a subsequent motion or  
9 pleading.

10 WHEREAS, Plaintiffs agree that the absence of these defenses in Defendants’ First  
11 Amended Answer does not by itself constitute waiver with respect to these defenses.

12 WHEREAS, Plaintiffs also agree that the absence of these defenses in Defendants’ First  
13 Amended Answer does not by itself signify that Plaintiffs would be prejudiced should Defendants  
14 raise these defenses in a future motion or pleading.

15 WHEREAS, Plaintiffs otherwise reserve all rights to object to any affirmative defense that  
16 Defendants raise in a future motion or pleading, including, but not limited to, on the grounds of  
17 prejudice.

18 WHEREAS, the current deadline to amend the pleadings is October 16, 2015 (Dkt 49).

19 NOW, THEREFORE, the parties, by and through their respective attorneys, stipulate and  
20 agree that Defendants may amend their Answer to remove their third, sixth, seventh, eighth, tenth,  
21 and eleventh affirmative defenses.

22 **IT IS SO STIPULATED**

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1 Dated: September 28, 2015

By: /s/ A. Matthew Ashley

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8

9 Dated: September 28, 2015

10 By: /s/ Benjamin E. Shiftan

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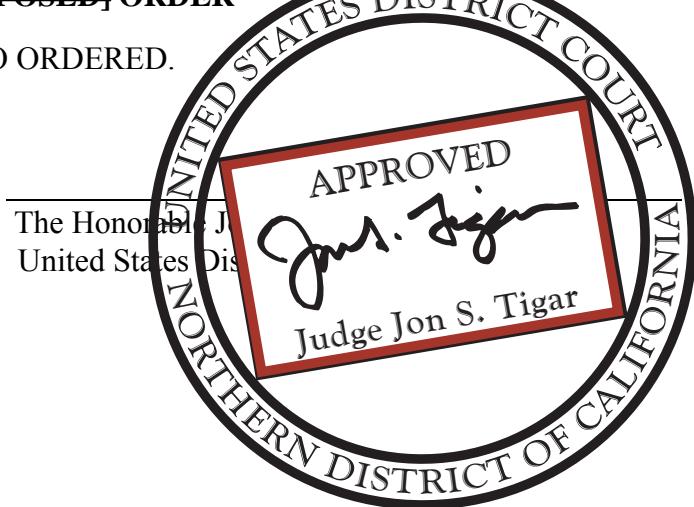
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16 Attorneys for Plaintiffs  
17

18 [PROPOSED] ORDER

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 Dated: September 29, 2015



**ECF ATTESTATION**

I, Michael D. Harbour, am the ECF user whose ID and password are being used to file this STIPULATION TO AMEND ANSWER. I hereby attest that I received authorization to insert the signatures indicated by a conformed signature (/s/) within this efiled document.

By: /s/ Michael D. Harbour  
Michael D. Harbour